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February 7, 2018

**VIA ELECTRONIC FILING**

The Honorable Paul G. Gardephe  
United States District Judge  
Southern District of New York  
Thurgood Marshall U.S. Courthouse  
40 Foley Square, Courtroom 705  
New York, New York 10007  
Fax: (212) 805-7986

**Re: Ruth Rojas Duarte v. St. Barnabas Hospital (Civil Action No.: 15-cv-6824)**

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Dear Your Honor:

The undersigned is counsel to plaintiff Ruth Rojas Duarte ("Plaintiff") in the above referenced matter. We write to respectfully request that Your Honor issue an order regarding the deadline for Plaintiff to file her post-trial application for attorneys' fees and costs, as discussed on the record following delivery of verdict on January 26, 2018.

Specifically, the Federal Rule of Civil Procedure 54, Plaintiff is required to file her motion for attorneys' fees within fourteen (14) days of entry of judgment, which entry was made in this matter on January 30, 2018. However, following delivery of the jury's verdict on January 26, 2018, Plaintiff's co-counsel Gabrielle Vinci appealed to the court for an extension of time to submit Plaintiff's post-trial motion for fees and costs given Defendant's representation that it intended to file its own post-trial motions. Specifically, the following was discussed on the record:

Ms. Vinci: Your Honor, Plaintiff would also like to make an application for fees, for attorneys' fees, but we would like to reserve our right to do that by written submission. I understand under the rules it is 14 days after judgment is entered. We are happy to stay within that time-frame. If Your Honor would allow us to use the same briefing schedule for Defendant's post-trial motions?

The Court: Right. I think that would make sense because your fee application will include fees with respect to the post-trial



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**briefing. So I think it would make sense to adjourn the fee application until the briefing is complete on the post-trial motions.**

Ms. Vinci: Thank you [Your] Honor. See Trial Trans. at 1007:9-20, annexed hereto as Exhibit A (emphasis added).

Currently, Defendant's post-trial motions, if any, are to be fully briefed and submitted on or before April 9, 2018. Pursuant to Ms. Vinci's application to the Court on January 26, 2018, Plaintiff respectfully asks that an order be entered adjourning Plaintiff's deadline to file a post-trial application for fees until April 23, 2018, two weeks after submission of Defendant's post-trial motions.

Counsel remains available should Your Honor have any questions or concerns. Thank you.

**Respectfully submitted,**

**NESENOFF & MILTENBERG LLP**

By: /s/ Megan Goddard  
**Megan S. Goddard, Esq.**

cc: All Counsel (VIA ECF)

**EXHIBIT A**

I1QJDUAl

Duarte - direct

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
-----x

3 RUTH DUARTE,

4 Plaintiff,

5 v.

15 Civ. 6824 PGG

6 ST. BARNABAS HOSPITAL,

7 Defendant.

8 -----x

9 January 26, 2018  
9:00 a.m.

10 Before:

11 HON. PAUL G. GARDEPHE,

12 District Judge  
13 and a jury

14  
15 APPEARANCES

16 NESENOFF & MILTENBERG, LLP  
Attorneys for plaintiff  
17 BY: MEGAN S. GODDARD, Esq.  
GABRIELLE M. VINCI, Esq.  
18 - and -

GITLIN, HORN and VAN DE KIEFT LLP  
19 BY: BRUCE J. GITLIN, Esq.  
- and -

20 JOSEPH & NORINSBERG  
BY: BENNITTA L. JOSEPH, Esq.  
21 Of counsel

22 EPSTEIN BECKER & GREEN, PC  
Attorneys for defendant  
23 BY: DAVID W. GARLAND, Esq.  
JOHN F. FULLERTON, III, Esq.  
24 ADRIANA S. KOSOVYCH, Esq.  
25 Of counsel

I1QJDUA7

Verdict

1 MR. GARLAND: Yes, your Honor. Thank you.

2 MS. GODDARD: I don't think it matters, but I have  
3 another trial due April 15th, all federal jury trials, but I  
4 don't think I have to do anything in response to a reply, do I?

5 THE COURT: No. That would mean April 9th for the  
6 reply. So we will enter an order providing for post-trial  
7 briefing, moving papers February 26th, opposition March 26th,  
8 reply April 9th. Anything else?

9 MS. VINCI: Your Honor, plaintiff would also like to  
10 make an application for fees, for attorney's fees, but we would  
11 like to reserve our right to do that by written submission. I  
12 understand under the rules it is 14 days after judgment is  
13 entered. We are happy to stay within that time-frame. If your  
14 Honor would allow us to use the same briefing schedule for  
15 defendant's post-trial motions?

16 THE COURT: Right. I think that would make sense  
17 because your fee application will include fees with respect to  
18 the post-trial briefing. So I think it would make sense to  
19 adjourn the fee application until the briefing is complete on  
20 the post-trial motions.

21 MS. VINCI: Thank your Honor.

22 THE COURT: All right. Anything else?

23 MR. GARLAND: No, your Honor. Thank you.

24 (Court adjourned)

25